

House File 173 - Introduced

HOUSE FILE 173

BY SCHULTE

A BILL FOR

1 An Act restricting the use of restraints on a pregnant prisoner
2 in labor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 904.321 Pregnant inmate —
2 restraints.

3 1. As used in this section unless the context otherwise
4 requires:

5 a. "Department" means the department of corrections, a
6 municipal or county jail, a secure facility for the detention
7 and custody of juveniles, or a judicial district department of
8 correctional services.

9 b. "Director" means the director of the department of
10 corrections or a judicial district department of correctional
11 services, a county sheriff, the officer in charge of a
12 municipal jail, or the superintendent of a secure facility for
13 the detention and custody of juveniles.

14 2. a. The department shall not use restraints to control
15 the movement of a pregnant inmate at any time while the inmate
16 is in labor, delivery, or recovering from delivery, unless
17 the director or the director's designee determines the use
18 of restraints is necessary under either of the following
19 circumstances:

20 (1) The safety of the inmate, infant, department personnel,
21 medical personnel, or a member of the public is at risk.

22 (2) The inmate is a substantial risk to escape.

23 b. If a determination is made to use restraints under
24 paragraph "a", the type of restraint used shall be the least
25 restrictive restraint used by the department.

26 EXPLANATION

27 This bill relates to the use of restraints on a pregnant
28 inmate.

29 The bill prohibits the department of corrections, a
30 municipal or county jail, a secure facility for the detention
31 and custody of juveniles, or a judicial district department
32 of correctional services from using restraints to control the
33 movement of a pregnant inmate at any time while the inmate is
34 in labor, delivery, or recovering from delivery.

35 The bill permits the director of the facility or the

1 director's designee to order the use of restraints on a
2 pregnant inmate in labor if the director or director's
3 designee determines there is a safety issue or the inmate is a
4 substantial risk to escape. If a determination is made to use
5 restraints on a pregnant inmate, the bill requires the facility
6 to use the least restrictive restraint.

7 The bill defines "director" to mean the director of the
8 department of corrections or a judicial district department of
9 correctional services, a county sheriff, the officer in charge
10 of a municipal jail, or the superintendent of a secure facility
11 for the detention and custody of juveniles.